

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Diana Dennison,

Plaintiff,

v.

United Property and Casualty Insurance
Company,

Defendant.

Civil Action No.: 2:17-cv-613-CWH

NOTICE OF REMOVAL

Defendant United Property and Casualty Insurance Company (hereinafter "UPC"), files this Notice of Removal of the above-entitled action from the Circuit Court of the County of Dorchester, State of South Carolina to the United States District Court for the District of South Carolina, Charleston Division pursuant to 28 U.S.C. §1441. UPC does so reserving, without limitation, all procedural and substantive rights and defenses. UPC avers to this Court as follows:

INTRODUCTION

1. Plaintiff Diana Dennison (hereinafter "Plaintiff") originally filed this action in the Court of Common Pleas for the First Judicial Circuit for the County of Dorchester, State of South Carolina on February 1, 2017, Civil Action No. 2017-CP-18-147. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is attached hereto as Exhibit A.

REMOVAL IS TIMELY

2. On February 3, 2017, service of the Summons and Complaint was accepted by South Carolina Department of Insurance (hereinafter “DOI”) on behalf of UPC and subsequently notified UPC of the state court suit in writing. A copy of the DOI letter is attached hereto as Exhibit B.

3. Pursuant to 28 U.S.C. § 1446(b)(2)(B), this Notice of Removal is timely on the grounds it is filed within thirty (30) days after service of the Summons and Complaint that provide the basis for removal of this action. *See* Exh. A, Pl. Compl; Exh. B, DOI Letter.

JURISDICTION

4. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between the Plaintiff and UPC and the amount in controversy exceeds Seventy-Five Thousand and NO/100 (\$75,000.00) Dollars.

5. At the time of commencement of the action, Plaintiff was and is still a citizen and resident of the State of South Carolina, County of Dorchester. UPC, at the time of the commencement of this action, was and is still a corporation organized and existing under the laws of a state other than South Carolina and having its principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), UPC is a citizen of the state of Florida where it is incorporated and maintains its principle place of business.

6. Plaintiff’s allegations arise out of circumstances surrounding a contract for homeowner’s insurance between Plaintiff and UPC for the home located at 314 Lilac Drive. *See*

Exh. A., Pl. Compl. at ¶ 5. Plaintiff has alleged causes of action for bad faith and breach of contract asserting she is entitled to certain contractual and extra contractual damages. *See* Exh. A., Pl. Compl.

7. On March 2, 2017, counsel for UPC requested but Plaintiff declined to stipulate the damages sought by Plaintiff are less than Seventy-Five Thousand and NO/100 (\$75,000.00) Dollars. *See* Exh. C., Moise email. Therefore, upon information and belief and pursuant to information received from counsel for Plaintiff, UPC asserts the value of the matter in dispute exceeds the sum of Seventy-Five Thousand and NO/100 (\$75,000.00) Dollars, exclusive of interest and costs and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

8. UPC hereby gives counsel for Plaintiff written notice of the removal of this action and has provided a copy of the Notice of Removal to the Clerk of Court for Dorchester County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, UPC respectfully submits this Notice of Removal action to this Court this 6th day of March, 2017.

s/Mary D. LaFave

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**Attorney for United Property and
Casualty Insurance Company**

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of March, 2017, a copy of the foregoing Notice of Removal was served via electronic filing to:

E. Warren Moise, Esq.
Grimball & Cabaniss, L.L.C.
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s/ Mary D. LaFave _____